

JS 44 (Rev. 12/07, NJ 5/08)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

ROBERT BRADEN

(b) County of Residence of First Listed Plaintiff Montgomery

(c) Attorney's (Firm Name, Address, Telephone Number and Email Address)

James M. Duttera, Esquire
110 Marter Ave, Suite 105
Moorestown, NJ 08057
856.854.4000

DEFENDANTS

LOCKHEED MARTIN CORPORATION

County of Residence of First Listed Defendant Burlington

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	PROPERTY RIGHTS <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PERSONAL PROCEEDINGS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Tide XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

see attachment
Brief description of cause:
see attachment

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 **DEMAND \$** in excess of \$150,000

CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S)

(See instructions):

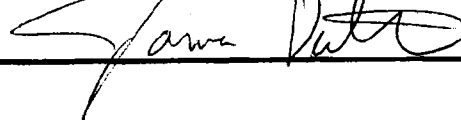
JUDGE

DOCKET NUMBER

Explanation:

July 2, 2014
DATE

SIGNATURE OF ATTORNEY OF RECORD



**IN THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF NEW JERSEY**

ROBERT BRADEN,

Plaintiffs,

v.

**LOCKHEED MARTIN
CORPORATION**

Defendant.

CIVIL ACTION NO.

Electronically Filed

JURY TRIAL DEMANDED

CIVIL COVER SHEET ATTACHMENT

VI. a) Age Discrimination in Employment Act ("ADEA"), as amended, by the Older Workers Benefits Protection Act, 29 U.S.C. § 621, *et seq.* and the New Jersey Law Against Discrimination, as amended, N.J.S.A. §10:5-1, *et seq.* ("NJLAD")

b) Plaintiff, Robert Braden, brings this action against his former employer, Defendant, Lockheed Martin Corporation. Plaintiff was employed by Defendant, or a predecessor of Defendant, from 1984 until he was terminated because of his age in 2012.

**IN THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF NEW JERSEY**

ROBERT BRADEN,

Plaintiffs,

v.

**LOCKHEED MARTIN
CORPORATION**

Defendant.

CIVIL ACTION NO.

Electronically Filed

JURY TRIAL DEMANDED

COMPLAINT

I. PRELIMINARY STATEMENT

Plaintiff, Robert Braden, brings this action against his former employer, Defendant, Lockheed Martin Corporation. Plaintiff was employed by Defendant, or a predecessor of Defendant, from 1984 until he was terminated because of his age in 2012. Plaintiff brings suit pursuant to the Age Discrimination in Employment Act ("ADEA"), as amended, by the Older Workers Benefits Protection Act, 29 U.S.C. § 621, *et seq.* and the New Jersey Law Against Discrimination, as amended, N.J.S.A. §10:5-1, *et seq.* ("NJLAD"). Plaintiff seeks damages, including compensatory, liquidated, punitive, and all other relief under federal laws prohibiting age discrimination in employment and as this Court deems appropriate.

II. PARTIES

1. Plaintiff Robert Braden ("Plaintiff") is an individual, living in Penn Valley in the Commonwealth of Pennsylvania.

2. Plaintiff was born in February, 1946 and is currently sixty-eight (68) years old.

3. Defendant, Lockheed Martin Corporation is a Maryland corporation, headquartered in Bethesda, Maryland.

4. Defendant is engaged in an industry affecting interstate commerce and regularly conducts business in the State of New Jersey.

5. At all times material to this action, Defendant was an employer within the meaning of the state and federal laws which form the basis of this action.

6. At all times material to this action, Defendant acted by and through authorized agents, servants, contractors and/or employees acting within the course and scope of their employment with Defendant or authorized by Defendant and in furtherance of Defendant's business.

III. JURISDICTION AND VENUE

7. The causes of action set forth in this Complaint arise under the ADEA and NJLAD.

8. This Court has federal question jurisdiction over the ADEA claim (Count I) pursuant to 28 U.S.C. §1331.

9. This Court has supplemental jurisdiction over the NJLAD claim (Count II) pursuant to 28 U.S.C. §1367.

10. This Court has diversity jurisdiction over this matter pursuant to 28 U.S.C.

§1332, as the parties are citizens of different states and the amount in controversy exceeds \$75,000.

11. Venue is proper in this district under 28 U.S.C. §1391(b) and (c) because events giving rise to the claims occurred within this district, and Defendant transacts business and is found in this district.

12. On or about January 9, 2013, Plaintiff filed a charge of discrimination ("Charge") with the Equal Employment Opportunity Commission ("EEOC"). Attached hereto, incorporated herein and marked as Exhibit A is a true and correct copy of the Charge (with minor redactions for purposes of electronic filing of confidential/identifying information).

13. More than sixty (60) days have elapsed since Plaintiff filed the Charge with the EEOC.

14. On or about May 13, 2014, in response to Plaintiff's request, the EEOC issued a Notice of Right to Sue on Plaintiff's request. Attached hereto, incorporated herein and marked as Exhibit B is a true and correct copy of the Notice of Right to Sue issued to Plaintiff (with minor redactions for purposes of electronic filing of confidential/identifying information).

15. Plaintiff has fully complied with all administrative prerequisites for the commencement of this action.

IV. FACTUAL ALLEGATIONS

16. Plaintiff was hired by RCA in or about 1984. Through a series of mergers and acquisitions, Plaintiff became an employee of Defendant in or about March, 1995.

17. During his employment, Plaintiff was disproportionately paid less than

younger employees performing substantially similar work, with similar or lesser skills and experience.

18. This pay disparity is a result of disparities in pay increases, caused by discriminatory performance evaluations.

19. Plaintiff has been present for discussions of performance reviews, where comments were made suggesting that it is preferable to give low evaluations (and therefore lower compensation) to older workers, because the older workers have nowhere else to go while younger employees might leave if they did not receive good raises.

20. At the time of his termination, Plaintiff worked in Defendant's Electronic Systems business area.

21. Within Electronic Systems, Plaintiff was part of the Mission Systems and Sensors business unit ("MS2").

22. At the time of his termination, Plaintiff was a Project Specialist, Sr. Staff ("PSSS").

23. At the time of his termination, Plaintiff was the oldest of six people (3 PSSS' and 3 Managers) reporting to Christopher Renna, Sr. Manager Equipment Engineering.

24. The other two PSSS' reporting to Mr. Renna were approximately 42 and 38 years old. Plaintiff was 66 years old.

25. The three managers reporting to Mr. Renna were approximately 35, 42, and 52 years old.

26. On or about July 10, 2012, Plaintiff was informed by Mr. Renna that he

(Plaintiff) had been selected for layoff, effective immediately.

27. Plaintiff was not given any specific reason as to why he was chosen for termination.

28. Plaintiff was given documents that claimed, "Managers assessed the current needs of the business and the abilities of employees to meet those needs in each skill category, in accordance with established policy." In other words, the decision was made based on the subjective opinions of managers.

29. Defendant did not utilize any objective measurements in determining which employees to terminate as part of the layoffs.

30. There were no processes or procedures in place to prevent age discrimination in connection with the layoffs.

31. Plaintiff was the only one of the six employees reporting to Mr. Renna who were selected for termination.

32. A significantly younger individual reporting to Mr. Renna, Kimberly Tighe (38), had just been made a PSSS, but she was retained over Plaintiff.

33. Despite the layoffs of a large number of employees, Defendant continued to recruit and hire younger individuals for positions for which Plaintiff was qualified.

34. Five workers with Plaintiff's title (Project Specialist, Sr. Staff) out of approximately 110 were terminated as part of the layoffs. All five were over the age of 50.

35. Upon information, approximately twelve (12) people from two levels below Mr. Renna were terminated. Eight were over the age of fifty.

36. Plaintiff's performance had been excellent and did not warrant termination.

37. Plaintiff's age (then 66) was a motivating and determinative factor in his termination.

COUNT I
ADEA

38. Plaintiff incorporates by reference paragraphs 1 through 37 of this Complaint as if fully set forth herein.

39. Defendant, by the discriminatory acts set forth herein, have violated the ADEA.

40. Defendant's violations were intentional and willful under the circumstances and warrant the imposition of liquidated damages.

41. As a direct and proximate result of Defendant's violation of the ADEA, Plaintiff has sustained the injuries, damages and losses set forth herein.

42. Plaintiff is now suffering and will continue to suffer irreparable injury and monetary damages as a result of Defendant's discriminatory and unlawful acts unless and until the Court grants the relief requested herein.

COUNT II
NJLAD

43. Plaintiff incorporates paragraphs 1 through 42 as if set forth herein in their entirety.

44. Defendant violated the LAD by discriminating against Plaintiff.

45. Members of upper management of Defendant had actual participation in, or willful indifference to, Defendant's wrongful conduct described herein.

46. Defendant's wrongful actions were especially egregious, warranting the imposition of punitive damages.

47. As a direct and proximate result of Defendant's violations of the LAD, Plaintiff has suffered the damages and losses set forth herein.

48. Plaintiff is now suffering and will continue to suffer irreparable injury as a result of Defendant's discriminatory and unlawful acts unless and until this Court grants the relief requested herein.

RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court enter judgment in favor of Plaintiff, Robert Braden, and against Defendant, Lockheed Martin Corporation:

- a. declaring the acts and practices complained of herein to be a violation of the ADEA;
- b. declaring the acts and practices complained of herein to be a violation of the LAD;
- c. enjoining and restraining permanently the violations alleged herein;
- d. awarding damages to Plaintiff for the past and future economic losses that he has suffered;
- e. awarding compensatory damages to Plaintiff for past and future emotional upset, mental anguish, humiliation, loss of life's pleasures, and pain and suffering;
- f. awarding liquidated damages to Plaintiff pursuant to the ADEA;
- g. awarding Plaintiff punitive damages pursuant to the LAD;
- h. awarding Plaintiff the costs of this action, together with reasonable attorney's fees;
- i. awarding Plaintiff such other damages as are appropriate under the ADEA, the LAD and federal and state law; and

j. granting such other and further relief as this Court deems appropriate.

CONSOLE LAW OFFICES LLC

Dated: July 2, 2014

BY: /s/ James M. Duttera
James M. Duttera
(856) 854-4000

Attorney for Plaintiff,
Robert Braden

EXHIBIT A

CHARGE OF DISCRIMINATION		AGENCY <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC	CHARGE NUMBER 530-2013-01148
This form is affected by the Privacy Act of 1974; See privacy statement before consolidating this form.			
STATE OR LOCAL AGENCY:			
NAME (Indicate Mr., Ms., Mrs.) Robert Braden		HOME TELEPHONE NUMBER (Include Area Code) [REDACTED]	
STREET ADDRESS [REDACTED]		CITY, STATE AND ZIP Penn Valley, PA 19072	DATE OF BIRTH [REDACTED]
NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP, COMMITTEE, STATE OF LOCAL GOVERNMENT WHO DISCRIMINATED AGAINST ME (If more than one than list below)			
NAME Lockheed Martin Corporation	NUMBER OF EMPLOYEES, MEMBERS >15	TELEPHONE (Include Area Code)	
STREET ADDRESS <i>Claimant's Work Location</i> 199 Borton Landing Road <i>Corporate Headquarters</i> 6801 Rockledge Drive		CITY, STATE AND ZIP Moorestown, NJ 08057 Bethesda, MD 20818	COUNTY Burlington
CAUSE OF DISCRIMINATION (Check appropriate box(es)) <input type="checkbox"/> Race <input type="checkbox"/> Color <input type="checkbox"/> Sex <input type="checkbox"/> Religion <input type="checkbox"/> National Origin <input type="checkbox"/> Retaliation <input checked="" type="checkbox"/> Age <input type="checkbox"/> Disability <input type="checkbox"/> Other (Specify)		DATE DISCRIMINATION TOOK PLACE July 10, 2012 Earliest _____ Latest _____ <input type="checkbox"/> Continuing Violation	
<p>THE PARTICULARS ARE:</p> <p>A. Relevant Work History</p> <p>I have been employed by Respondent, Lockheed Martin Corporation, or a predecessor of Respondent since 1984. At the time of my termination, I worked in Respondent's Electronic Systems business area, headed by Marilyn Hewson. Within Electronic Systems, I was part of the Mission Systems and Sensors business unit ("MS2").</p> <p>At the time of my termination, I was sixty-six (66) years old. I was a Project Specialist, Sr. Staff ("PSSS"). I was the oldest of six people (3 PSSS' and 3 Managers) reporting to Christopher Renna, Sr. Manager Equipment Engineering (45*). The other two PSSS' reporting to Mr. Renna were approximately 42 and 38 years old. The three managers reporting to him were approximately 35, 42, and 52 years old.</p> <p>* All ages herein are approximate.</p>			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and cooperate fully with them in the processing of my charge in accordance with their procedures		NOTARY - (when necessary for State and Local Requirements) I swear of affirm that I have read the above charge and that it is true to the best of my knowledge information and belief.	
I declare under penalty of perjury that the foregoing is true and correct.			
Date: 1/9/2013 Charging Party (Signature) <i>Robert K Braden</i>		SIGNATURE OF COMPLAINANT SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (Day Month, and year)	

 RECEIVED - EEOC
 PHILADELPHIA, D.O.
 2013 JAN -9 P 4:42

Braden v. Lockheed Martin Corporation
EEOC Charge of Discrimination
Page 2 of 3

2. Statement of Harm

During my employment, I was consistently underpaid because of my age, including as a result of age-biased annual evaluations.

On or about July 10, 2012, I was informed by Mr. Renna that I had been selected for layoff, effective immediately. According to paperwork that I was given, I was one of 308 employees within MS2 notified of termination. I was the only person reporting to Mr. Renna who was terminated.

B. Respondent's Alleged Reasons

I have not been given any specific reason as to why I was chosen for termination. However, I was given documents that claimed, "Managers assessed the current needs of the business and the abilities of employees to meet those needs in each skill category, in accordance with established policy." The specifics of this decision, and whether it was any more objective than each manager's preference, is not explained.

C. Rationale/Basis for Allegations of Discrimination and Statutes Covered

I allege that Respondent has discriminated against me based on my age in violation of the Age Discrimination in Employment Act, as amended, 29 U.S.C. 621, *et seq.* ("ADEA") and, the New Jersey Law Against Discrimination, as amended, N.J.S.A. 10:5-1, *et seq.* ("NJLAD").

Evidence of discrimination includes, but is not limited to (in addition to what is set forth herein):

1. Upon information and belief, older employees are given below average performance evaluation scores in significantly greater numbers than younger employees, and given above average performance evaluation scores in significantly lower numbers than younger employees. Also, I have been present for discussions of performance reviews, where comments were made suggesting that it is preferable to give low evaluations (and therefore lower compensation) to older workers, because the older workers have nowhere else to go while younger employees might leave if they did not receive good raises.
2. I was the oldest by far of the six employees reporting to Mr. Renna, and the only one terminated.
3. A significantly younger individual reporting to Mr. Renna, Kimberly Tighe (38), had just been made a PSSS, but she was retained over me.
4. Upon information and belief, approximately twelve employees were laid off from positions two levels below Mr. Renna (i.e. workers who reported to the 3 managers reporting to him). At least eight of them were over the age of fifty years old.

Braden v. Lockheed Martin Corporation
EEOC Charge of Discrimination
Page 3 of 3

5. According to the OWBPA data given to me, five workers with my title (Project Specialist, Sr. Staff) were terminated. All five were over the age of 50.
6. My performance had been excellent and did not warrant termination.
7. Respondent's vaguely described reason for my termination is a pretext for age discrimination.

EXHIBIT B

U.S. Equal Employment Opportunity Commission

EEOC Form 161-B (10/96)

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: Robert Braden
 [REDACTED]
 Penn Valley, PA 19072

From: Equal Employment Opportunity Commission
 Philadelphia District Office
 801 Market Street, PH Suite 1300
 Philadelphia, PA 19107-3127

[] On behalf of person(s) aggrieved whose identity is
 CONFIDENTIAL (29 CFR § 1601.7(a))

Charge No.	EEOC Representative	Telephone No.
530-2013-01148	Legal Unit	(215) 440-2828

(See also the additional information attached to this form.)

NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964 and/or the Americans with Disabilities Act (ADA): This is your Notice of Right to Sue, issued under Title VII and/or the ADA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII or the ADA **must be filed in federal or state court WITHIN 90 DAYS of your receipt of this Notice.** Otherwise, your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

- [] More than 180 days have passed since the filing of this charge.
- [] Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of the charge.
- [] The EEOC is terminating its processing of this charge.
- [] The EEOC will continue to process this charge.

Age Discrimination in Employment Act (ADEA): You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, **the paragraph marked below applies to your case:**

- [**X**] The EEOC is closing your case. Therefore, your lawsuit under the ADEA **must be filed in federal or state court WITHIN 90 DAYS of your receipt of this Notice.** Otherwise, your right to sue based on the above-numbered charge will be lost.
- [] The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of your charge, you may file suit in federal or state court under the ADEA at this time.

Equal Pay Act (EPA): You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits **must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment.** This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

If you file suit based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission



Spencer H. Lewis, Jr. District Director

5/13/14

(Date Mailed)

Enclosure(s)

cc: LOCKHEED MARTIN CORPORATION
 James M Duttera, Esq. (for Charging Party)
 Brittini A Pitts Esq. (for Respondent)